



Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Twenty-second Meeting Day

Tuesday Afternoon

February 22, 2005

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Rabbi Michael Friedland, Sinai Synogue, South Bend, the guest of Representative B. Patrick Bauer.

The Pledge of Allegiance to the Flag was led by Representative Bauer.

The Speaker ordered the roll of the House to be called:

T. Adams	Klinker
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy
C. Brown	Neese
T. Brown	Noe
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson ☐	Saunders
Dobis	J. Smith
Dodge	V. Smith ☐
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer
Gutwein	VanHaaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle ☐	Wolkins
Hoffman	Woodruff
Hoy	Yount
Kersey	Mr. Speaker

Roll Call 173: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 24, 2005 at 1:30 p.m.

STUTZMAN

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 17

Representatives Welch, Ruppel, Hinkle, E. Harris, Leonard, Hoy, Thompson, Woodruff, Klinker, Moses, Stevenson, VanHaaften, Stilwell, L. Lawson, Cheney, Bauer, Austin, V. Smith, T. Adams, Richardson, Frizzell, Grubb, Noe, Koch, Behning, Ayres, Crooks, Bosma, Saunders, Orentlicher, and Thomas introduced House Concurrent Resolution 17:

A CONCURRENT RESOLUTION recognizing Rotary International on the 100th anniversary of its founding.

Whereas, Rotary International, founded on February 23, 1905, in Chicago, Illinois, is the world's first and one of the largest nonprofit service organizations;

Whereas, Rotary International has a membership of over 1.2 million, comprised of professional and business leaders in over 31,000 clubs in more than 165 countries;

Whereas, The Rotary International motto "Service Above Self" inspires members to provide humanitarian service, encourage high ethical standards, and promote goodwill and peace in the world;

Whereas, Rotary International funds club projects and sponsors volunteers with community expertise to provide medical supplies, health care, clean water, food production, job training, and education to millions in need, particularly in developing countries;

Whereas, In 1985, Rotary International launched Polio Plus and spearheaded efforts with the World Health Organization, U.S. Center for Disease Control and Prevention, and UNICEF to immunize the children of the world against polio;

Whereas, Polio cases have dropped by 99% since 1988, and the world stands on the threshold of eradicating the disease;

Whereas, Rotary International is the world's largest privately funded source of international scholarships and promotes international understanding through scholarships, exchange programs, and humanitarian grants;

Whereas, Since 1947, more than 35,000 students from 110 countries have studied abroad as Rotary Ambassadorial Scholars;

Whereas, Rotary International's Group Study Exchange program has helped more than 46,000 young professionals explore their career fields in other countries;

Whereas, Each year, 8,000 secondary school students experience life in another country through Rotary International's Youth Exchange Program; and

Whereas, There are over 8,000 Rotary International members in more than 156 clubs throughout Indiana sponsoring service projects to address such critical issues as poverty, health, hunger, illiteracy, and the environment in their local communities and abroad: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly thank Rotary International on behalf of the citizens of Indiana for their dedicated service to the people of the world.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Stephen Leonard, District 6580 District Governor.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Paul.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1008

Representative Gutwein called down Engrossed House Bill 1008 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and rural development.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 174: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman, Nugent, R. Young, Heinold, and Hershman.

Representative V. Smith, who had been excused, was present.

Engrossed House Bill 1059

Representative Grubb called down Engrossed House Bill 1059 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 175: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and Skinner.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed House Bill 1063

Representative Wolkins called down Engrossed House Bill 1063 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 176: yeas 67, nays 29. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bray.

Engrossed House Bill 1073

Representative Lehe called down Engrossed House Bill 1073 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 177: yeas 83, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Riegsecker.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 27

The Chair handed down Senate Concurrent Resolution 27, sponsored by Representative Orentlicher:

A CONCURRENT RESOLUTION celebrating the 350th Anniversary of Jews living in America and the 100th Anniversary of the Jewish Federation of Greater Indianapolis.

Whereas, The biennium 2004-2005 marks the 350th anniversary of the Jewish community in North America, and also marks the 100th anniversary of the Jewish Federation of Greater Indianapolis;

Whereas, In 1654, Spanish-Portuguese Jewish refugees escaping the Inquisition in South America arrived on North American shores and formally established North America's first Jewish community in New Amsterdam, now New York City;

Whereas, Jews from Central and Eastern Europe and other parts of the world would continue to arrive in successive waves of immigration during the 19th and 20th centuries seeking liberty and opportunity in America;

Whereas, The American Jewish community has actively participated in and contributed to the civic, social economic, and cultural life of Indiana and the United States of America and has served in all branches of the armed forces in defense of the broad principles of liberty and justice that are guaranteed in the Constitution of the United States;

Whereas, The Jewish Federation of Greater Indianapolis, established in 1905, has organized and directed the philanthropic efforts of the Jewish community; and worked alongside the Jewish congregations in our city and state to advance the values of Jewish culture, faith and tradition;

Whereas, In its 100 years of existence, the Jewish Federation of Greater Indianapolis has successfully implemented a broad range of programs and services to enhance the quality of life for children, youths, adults, and seniors of every religious and cultural background in Indianapolis and internationally; and

Whereas, The Jewish Federation of Greater Indianapolis continues to foster positive relationships and cultivate dialogue and understanding between the Jewish and general communities as reflected in the missions of its constituent agencies, including the Jewish Community Relations Council, the Jewish Community Center, the Bureau of Jewish Education, Hooverwood, and Park Regency: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. The 350th anniversary of the Jewish community in North America is hereby recognized.

SECTION 2. The Jewish Federation of Greater Indianapolis is congratulated on its 100th anniversary and the Jewish Federation is commended on its record of outstanding contributions and achievements on behalf of the Jewish community and the entire State of Indiana.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Michael Papo, Executive Director of the Jewish Federation of Greater Indianapolis.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:20 p.m. with the Speaker in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1090, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 13, delete "June 30, 2005;" and insert "**November 7, 2006;**".

Page 2, line 14, delete "two (2) years" and insert "**one (1) year**". (Reference is to HB 1090 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1202, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-41-37-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. **(a)** A person who smokes:

- (1) in a public building, except in an area designated as a smoking area under section 5 of this chapter;
- (2) in the retail area of a grocery store or drug store that is designated as a nonsmoking area by the store's proprietor;
- (3) in the dining area of a restaurant that is designated and posted as the restaurant's nonsmoking area by the restaurant's proprietor; or
- (4) in a school bus during a school week or while the school bus is being used for a purpose described in section 2.3(3) of this chapter;

commits a Class B infraction. However, the violation is a Class A infraction if the person has at least three (3) previous unrelated judgments for violating this section that are accrued within the twelve (12) months immediately preceding the violation.

(b) A restaurant that permits a person who is less than twenty-one (21) years of age to enter the restaurant must designate a part of the dining area as a nonsmoking area.

(Reference is to HB 1202 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 3.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1280, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-26-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A district may do the following:

- (1) Sue or be sued.
- (2) Make contracts in the exercise of the rights, powers, and duties conferred upon the district.
- (3) Adopt and alter a seal and use the seal by causing the seal to be impressed, affixed, reproduced, or otherwise used. However, the failure to affix a seal does not affect the validity of an instrument.
- (4) Adopt, amend, and repeal the following:
 - (A) Bylaws for the administration of the district's affairs.
 - (B) Rules and regulations for the following:
 - (i) The control of the administration and operation of the district's service and facilities.

- (ii) The exercise of all of the district's rights of ownership.
- (5) Construct, acquire, lease, operate, or manage works and obtain rights, easements, licenses, money, contracts, accounts, liens, books, records, maps, or other property, whether real, personal, or mixed, of a person or an eligible entity.

(6) Assume in whole or in part any liability or obligation of:

- (A) a person;
- (B) a nonprofit water, sewage, or solid waste project system; or
- (C) an eligible entity;

including a pledge of part or all of the net revenues of a works to the debt service on outstanding bonds of an entity in whole or in part in the district and including a right on the part of the district to indemnify and protect a contracting party from loss or liability by reason of the failure of the district to perform an agreement assumed by the district or to act or discharge an obligation.

(7) Fix, alter, charge, and collect reasonable rates and other charges in the area served by the district's facilities to every person whose premises are, whether directly or indirectly, supplied with water or provided with sewage or solid waste services by the facilities for the purpose of providing for the following:

- (A) The payment of the expenses of the district.
- (B) The construction, acquisition, improvement, extension, repair, maintenance, and operation of the district's facilities and properties.
- (C) The payment of principal or interest on the district's obligations.
- (D) To fulfill the terms of agreements made with:
 - (i) the purchasers or holders of any obligations; or
 - (ii) a person or an eligible entity.

(8) Except as provided in section 2.5 of this chapter, require connection to the district's sewer system of property producing sewage or similar waste and require the discontinuance of use of privies, cesspools, septic tanks, and similar structures if:

- (A) there is an available sanitary sewer within three hundred (300) feet of the property line; and
- (B) the district has given written notice by certified mail to the property owner at the address of the property at least ninety (90) days before a date for connection to be stated in the notice.

However, a district may not require a property owner to connect to the district's sewer system if the property owner is already connected to a sewer system that was approved by a state governmental entity.

(9) Provide by ordinance for reasonable penalties for failure to connect and also apply to the circuit or superior court of the county in which the property is located for an order to force connection, with the cost of the action, including reasonable attorney's fees of the district, to be assessed by the court against the property owner in the action.

(10) Refuse the services of the district's facilities if the rates or other charges are not paid by the user.

(11) Control and supervise all property, works, easements, licenses, money, contracts, accounts, liens, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to the district.

(12) Construct, acquire by purchase or otherwise, operate, lease, preserve, and maintain works considered necessary to accomplish the purposes of the district's establishment within or outside the district and enter into contracts for the operation of works owned, leased, or held by another entity, whether public or private.

(13) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease as lessee or lessor, use, and sell interests in real and personal property or franchises within or outside the district for:

- (A) the location or protection of works;
- (B) the relocation of buildings, structures, and improvements situated on land required by the district or for any other necessary purpose; or
- (C) obtaining or storing material to be used in constructing

and maintaining the works.

(14) Upon consent of two-thirds (2/3) of the members of the board, merge or combine with another district into a single district on terms so that the surviving district:

(A) is possessed of all rights, franchises, and authority of the constituent districts; and

(B) is subject to all the liabilities, obligations, and duties of each of the constituent districts, with all rights of creditors of the constituent districts being preserved unimpaired.

(15) Provide by agreement with another eligible entity for the joint construction of works the district is authorized to construct if the construction is for the district's own benefit and that of the other entity. For this purpose the cooperating entities may jointly appropriate land either within or outside their respective borders if all subsequent proceedings, actions, powers, liabilities, rights, and duties are those set forth by statute.

(16) Enter into contracts with a person, an eligible entity, the state, or the United States to provide services to the contracting party for any of the following:

(A) The distribution or purification of water.

(B) The collection or treatment of sanitary sewage.

(C) The collection, disposal, or recovery of solid waste.

(17) Make provision for, contract for, or sell the district's byproducts or waste.

(18) Exercise the power of eminent domain.

(19) Remove or change the location of a fence, building, railroad, canal, or other structure or improvement located within or outside the district. If:

(A) it is not feasible or economical to move the building, structure, or improvement situated in or upon land acquired; and

(B) the cost is determined by the board to be less than that of purchase or condemnation;

the district may acquire land and construct, acquire, or install buildings, structures, or improvements similar in purpose to be exchanged for the buildings, structures, or improvements under contracts entered into between the owner and the district.

(20) Employ consulting engineers, superintendents, managers, and other engineering, construction, and accounting experts, attorneys, bond counsel, employees, and agents that are necessary for the accomplishment of the district's purpose and fix their compensation.

(21) Procure insurance against loss to the district by reason of damages to the district's properties, works, or improvements resulting from fire, theft, accident, or other casualty or because of the liability of the district for damages to persons or property occurring in the operations of the district's works and improvements or the conduct of the district's activities.

(22) Exercise the powers of the district without obtaining the consent of other eligible entities. However, the district shall:

(A) restore or repair all public or private property damaged in carrying out the powers of the district and place the property in the property's original condition as nearly as practicable; or

(B) pay adequate compensation for the property.

(23) Dispose of, by public or private sale or lease, real or personal property determined by the board to be no longer necessary or needed for the operation or purposes of the district."

Page 1, line 16, strike "This subsection applies only to a district in which a campground".

Page 1, strike line 17.

Page 2, line 1, strike "against a board concerning sewage service billed at a flat rate."

Page 2, line 6, after "sewers " insert ".".

Page 2, line 6, strike "for one (1) year."

Page 2, line 6, delete "For a calendar".

Page 2, line 7, delete "year beginning after December 31, 2004, the" and insert "The".

Page 2, line 7, strike "highest".

Page 2, line 7, delete "monthly".

Page 2, line 7, strike "meter".

Page 2, line 8, strike "reading".

Page 2, line 8, strike "for the campground during the year shall".

Page 2, strike line 9.

Page 2, line 9, after "campground." insert **"If a campground elects to be billed by use of a meter, the rate charged by a board for the metered sewage service may not exceed the rate charged to residential customers for equivalent usage."**

(c) If a campground does not install a meter under subsection (b) and is billed for sewage service at a flat rate under subsection (a), for a calendar year beginning after December 31, 2004, each camp site at a campground may not equal more than one-third (1/3) of one (1) resident equivalent unit."

Page 2, line 12, before "The" begin a new paragraph and insert: **"(d)"**.

Page 2, line 13, strike "this".

Page 2, line 14, strike "subsection" and insert **"subsections (b) and (c)"**.

Page 2, line 21, strike "excessive" and insert **"concentrations of"**.

Page 2, line 21, delete "." and insert **"that exceed federal pollutant standards."**

Page 2, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 3. IC 13-26-11-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 2.1. (a) As used in this section, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(b) This section applies to an owner or operator of a campground described in section 2(b) or 2(c) of this chapter who disputes:

(1) that the campground is being billed at rates charged to residential customers for equivalent usage as described in section 2(b) of this chapter;

(2) the number of resident equivalent units determined for the campground under section 2(c) of this chapter; or

(3) that any additional charges imposed on the campground under section 2(d) of this chapter are reasonable or nondiscriminatory.

(c) If an owner or operator:

(1) makes a good faith attempt to resolve a disputed matter described in subsection (b)(1) through (b)(3) through:

(A) any grievance or complaint procedure prescribed by the board; or

(B) other negotiations with the board; and

(2) is dissatisfied with the board's proposed disposition of the matter;

the owner or operator may file with the commission a written request for review of the disputed matter and the board's proposed disposition of the matter to be conducted by the commission's appeals division established in IC 8-1-2-34.5(b). The owner or operator shall file a request under this section with the commission and the board not later than seven (7) days after receiving notice of the board's proposed disposition of the matter.

(d) The commission's appeals division shall provide an informal review of the disputed matter. The review must include a prompt and thorough investigation of the dispute. Upon request by either party, or on the division's own motion, the division shall require the parties to attend a conference on the matter at a date, time, and place determined by the division.

(e) In any case in which the basic monthly charge for a campground's sewage service is in dispute, the owner or operator shall pay, on any disputed bill issued while a review under this section is pending, the basic monthly charge billed during the year immediately preceding the year in which the first disputed bill is issued. If the basic monthly charge paid while the review is pending exceeds any monthly charge determined by the commission in a decision issued under subsection (f), the board shall refund or credit the excess amount paid to the owner or operator. If the basic monthly charge paid while the review is pending is less than any monthly charge determined by the appeals division or commission in a decision issued under subsection (f), the owner or operator shall pay the board the difference owed.

(f) After conducting the review required under subsection (d),

the appeals division shall issue a written decision resolving the disputed matter. The division shall send a copy of the decision to:

- (1) the owner or operator of the campground; and
- (2) the board;

by United States mail. Not later than seven (7) days after receiving the written decision of the appeals division, either party may make a written request for the dispute to be formally docketed as a proceeding before the commission. Subject to the right of either party to an appeal under IC 8-1-3, the decision of the commission is final.

(g) The commission shall maintain a record of all requests for a review made under this section. The record must include:

- (1) a copy of the appeal division's and commission's decision under subsection (f) for each dispute filed; and
- (2) any other documents filed with the appeals division or commission under this section.

The record must be made available for public inspection and copying in the office of the commission during regular business hours under IC 5-14-3.

(h) The right of a campground owner or operator to request a review under this section is in addition to the right of the campground owner or operator to file a petition under section 15 of this chapter as a freeholder of the district.

(i) The commission may adopt rules under IC 4-22-2 to implement this section."

Delete page 3.

Page 4, delete lines 1 through 11.

Renumber all SECTIONS consecutively.

(Reference is to HB 1280 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1281, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 13-11-2-74.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 74.5. (a) "Exempt isolated wetland", for purposes of IC 13-18 and environmental management laws, means an isolated wetland that:

- (1) is a voluntarily created wetland unless:

(A) the wetland is approved by the department for compensatory mitigation purposes in accordance with a permit issued under Section 404 of the Clean Water Act or IC 13-18-22;

(B) the wetland is reclassified as a state regulated wetland under ~~IC 13-18-22-6(c)~~; **IC 13-18-22-6(e)**; or

(C) the owner of the wetland declares, by a written instrument:

(i) recorded in the office of the recorder of the county or counties in which the wetland is located; and

(ii) filed with the department;

that the wetland is to be considered in all respects to be a state regulated wetland;

- (2) exists as an incidental feature in or on:

(A) a residential lawn;

(B) a lawn or landscaped area of a commercial or governmental complex;

(C) agricultural land;

(D) a roadside ditch;

(E) an irrigation ditch; or

(F) a manmade drainage control structure;

- (3) is a fringe wetland associated with a private pond;

(4) is, or is associated with, a manmade body of surface water of any size created by:

(A) excavating;

(B) diking; or

(C) excavating and diking;

dry land to collect and retain water for or incidental to agricultural, commercial, industrial, or aesthetic purposes;

(5) subject to subsection (c), is a Class I wetland with an area, as delineated, of one-half (1/2) acre or less;

(6) subject to subsection (d), is a Class II wetland with an area, as delineated, of one-fourth (1/4) acre or less;

(7) is located on land:

(A) subject to regulation under the United States Department of Agriculture wetland conservation rules, also known as **programs, including Swampbuster and the Wetlands Reserve Program**, because of voluntary enrollment in a federal farm program; and

(B) used for agricultural or ~~associated~~ other purposes allowed under the ~~rules~~ programs referred to in clause (A); or

(8) is constructed for reduction or control of pollution.

(b) For purposes of subsection (a)(2), an isolated wetland exists as an incidental feature:

(1) if:

(A) the owner or operator of the property or facility described in subsection (a)(2) does not intend the isolated wetland to be a wetland;

(B) the isolated wetland is not essential to the function or use of the property or facility; and

(C) the isolated wetland arises spontaneously as a result of damp soil conditions incidental to the function or use of the property or facility; and

(2) if the isolated wetland satisfies any other factors or criteria established in rules that are:

(A) adopted by the water pollution control board; and

(B) not inconsistent with the factors and criteria described in subdivision (1).

(c) The total acreage of Class I wetlands on a tract to which the exemption described in subsection (a)(5) may apply is limited to the larger of:

(1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(5); and

(2) fifty percent (50%) of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(5) but for the limitation of this subsection.

(d) The total acreage of Class II wetlands on a tract to which the exemption described in subsection (a)(6) may apply is limited to the larger of:

(1) the acreage of the largest individual isolated wetland on the tract that qualifies for the exemption described in subsection (a)(6); and

(2) thirty-three and one-third percent (33 1/3%) of the cumulative acreage of all individual isolated wetlands on the tract that would qualify for the exemption described in subsection (a)(6) but for the limitation of this subsection.

(e) An isolated wetland described in subsection (a)(5) or (a)(6) does not include an isolated wetland on a tract that contains more than one (1) of the same class of wetland until the owner of the tract notifies the department that the owner has selected the isolated wetland to be an exempt isolated wetland under subsection (a)(5) or (a)(6) consistent with the applicable limitations described in subsections (c) and (d).

SECTION 2. IC 13-18-22-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) Except as otherwise specified in ~~subsection~~ **subsections (b) and (c)**, compensatory mitigation shall be provided in accordance with the following table:

Wetland Class	Replacement Class	On-site Ratio	Off-site Ratio
Class I	Class II or III	1 to 1	1 to 1
Class I	Class I	1.5 to 1	1.5 to 1
Class II	Class II or III	1.5 to 1	2 to 1
		Nonforested	Nonforested
		2 to 1	2.5 to 1
		Forested	Forested

Class III	Class III	2 to 1	2.5 to 1
		Nonforested	Nonforested
		2.5 to 1	3 to 1
		Forested	Forested

(b) The compensatory mitigation ratio shall be lowered to one to one (1:1) if the compensatory mitigation is completed before the initiation of the wetland activity.

(c) A wetland that is created or restored as a water of the United States may be used, as an alternative to the creation or restoration of an isolated wetland, as compensatory mitigation for purposes of this section. The replacement class of a wetland that is a water of the United States shall be determined by applying the characteristics of a Class I, Class II, or Class III wetland, as appropriate, to the replacement wetland as if it were an isolated wetland.

(d) The off-site location of compensatory mitigation must be within:

(1) the same eight (8) digit U.S. Geological Service hydrologic unit code; or

(2) the same county;

as the isolated wetlands subject to the authorized wetland activity.

(e) Exempt isolated wetlands may be used to provide compensatory mitigation for wetlands activities in state regulated wetlands. An exempt isolated wetland that is used to provide compensatory mitigation becomes a state regulated wetland.

(Reference is to HB 1281 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1341, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 37, delete "The" and insert "**After June 30, 2005, the**".

Page 2, line 37, delete "a" and insert "**not more than ten (10) new**".

Page 2, line 38, delete "permit" and insert "**permits**".

Page 2, line 37, delete "only to an applicant who is" and insert "**to applicants, each of whom must be**".

Page 3, line 15, after "location." insert "**Nothing in this subsection affects or restricts an alcoholic beverage permit issued before July 1, 2005.**".

(Reference is to HB 1341 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

ALDERMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1428, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1441, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, after "(a)" insert "**The office may provide a prescription drug benefit to a Medicaid recipient in the Medicaid risk based managed care program.**

(b) If the office provides a prescription drug benefit to a

Medicaid recipient in the Medicaid risk based managed care program, the provisions of IC 12-15-35.5 apply.

(c) If the office does not provide a prescription drug benefit to a Medicaid recipient in the Medicaid risk based managed care program,"

Page 1, line 2, delete "A" and insert "a".

Page 1, line 3, after "provides" insert "**shall provide**".

Page 1, line 3, reset in roman "coverage and reimbursement".

Page 1, line 4, reset in roman "for outpatient single source legend drugs".

Page 1, line 4, reset in roman "subject to IC 12-15-35-46".

Page 1, line 5, reset in roman "and IC 12-15-35-47".

Page 1, line 5, delete "may not provide prescription drug coverage".

Page 1, delete lines 6 through 9.

Page 1, line 13, delete "not".

Page 1, line 14, delete "program." and insert "**program, subject to IC 12-15-5-5, IC 12-15-35, and IC 12-15-35.5.**".

Page 3, line 26, delete "program;" and insert "**program, if the office provides a prescription drug benefit and subject to IC 12-15-5;**".

Page 5, line 40, reset in roman "(c) A".

Page 5, line 40, delete "formulary" and insert "formulary".

Page 5, line 40, before "used" insert "**preferred drug list, or prescription drug benefit**".

Page 5, line 40, reset in roman "used by a Medicaid managed care organization is".

Page 5, line 41, reset in roman "subject to".

Page 5, line 41, before "sections" insert "**IC 12-15-5-5 and**".

Page 5, line 41, reset in roman "sections 46 and 47 of this chapter".

Page 6, delete lines 39 through 41.

Renumber all SECTIONS consecutively.

(Reference is to HB 1441 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1494, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 21. Health Care Facilities

Sec. 1. (a) This chapter applies to a county in which a county hospital operated under IC 16-22-3 is located.

(b) This chapter does not apply to the following:

(1) A health care facility that maintained the facility's principal premises in the county before the adoption of an ordinance under section 4(a) of this chapter and the facility's principal premises remains in the county continuously while the ordinance is in effect.

(2) A health care facility that begins construction before an ordinance adopted under section 4(a) of this chapter becomes effective.

(3) A mobile vehicle or trailer used by a health care facility to provide health care services that is leased under a binding agreement for at least twelve (12) months or purchased before the time an ordinance under section 4(a) of this chapter becomes effective.

Sec. 2. As used in this chapter "health care facility" means:

(1) A hospital licensed under IC 16-21.

(2) A private psychiatric institution licensed under

IC 12-25-1.

(3) An ambulatory outpatient surgical center licensed under IC 16-21.

(4) Except for a health facility licensed under IC 16-28 or a hospital licensed under IC 16-22, a facility that provides health care services and is licensed by the state department of health.

(5) Except for a health facility licensed under IC 16-28 or a hospital licensed under IC 16-22, a health care facility that provides health care services and that exceeds:

(A) two hundred thousand dollars (\$200,000) in planned construction costs; or

(B) one thousand five hundred (1,500) square feet.

The term includes a mobile vehicle or trailer used by the health care facility to provide health care services.

Sec. 3. As used in this chapter "health care services" means any care, treatment, service, or procedure provided by a health care facility to maintain, assess, diagnose, stabilize, or treat an individual's physical or mental condition.

Sec. 4. (a) A county executive may adopt an ordinance that requires a health care facility to obtain:

(1) the county executive's; or

(2) subject to section 7(a) of this chapter, the county fiscal body's;

approval before building a new health care facility in the county. The ordinance may limit the type of health care facilities or the types of expansion that require approval.

(b) An ordinance adopted under subsection (a) must include the following:

(1) An application procedure. The ordinance may require a reasonable application fee sufficient to defray administrative costs.

(2) Procedures that allow the public and interested parties to testify at a public hearing.

Sec. 5. To the extent that information is available, the following factors must be considered when determining the approval or disapproval of an application for a new health care facility:

(1) The impact of the new health care facility on the county residents' ability to access new and high quality health care services.

(2) The current availability of alternative, less costly, or more effective means to satisfy the goals of the new health care facility.

(3) The immediate and long term financial feasibility of the new health care facility.

(4) The impact of the new health care facility on health care costs and charges for other health care facilities in the county.

(5) The fiscal impact on other health care facilities in the county.

(6) The availability of resources for the new health care facility, including management and personnel.

(7) The new health care facility's economic impact in the county, including the creation of new jobs.

(8) The capacity of health care facilities located in the county to improve the quality of health care services and to respond to customer preferences.

(9) The effect of competition on the efficient use of health care resources and providing quality health care.

(10) The contribution of the new health care facility in serving the county's medically underserved population, including low income persons, minorities, the disabled, and the elderly.

Sec. 6. The county executive shall publish notice of the hearing at least one (1) time at least ten (10) days before the hearing. The notice must meet the standards specified for public notices in IC 5-3-1.

Sec. 7. (a) If a majority of the members of the county executive serve as members of the county hospital governing board, then the county fiscal body shall vote to approve or disapprove an application presented under this chapter.

(b) A member of the county executive or the county fiscal body who is a member of the county hospital governing board may not vote on an application presented under this chapter.

Sec. 8. Unless the county executive violates this chapter, the county executive's approval or disapproval of an application under this chapter is not subject to judicial review.

(Reference is to HB 1494 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 4.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1519, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "Before July 1, 2006,".

Page 1, delete lines 2 through 18.

Page 2, delete lines 1 through 17.

Page 2, line 18, delete "(c)".

Run in page 1, line 1 through page 2, line 18.

Page 2, between lines 37 and 38, begin a new line block indented and insert:

"(4) Require daily rate components for residential based setting based on a three (3) resident to one (1) staff ratio, unless there is a behavioral or medical condition, day services, case management, or system infrastructure for training, crisis management, and other services.

(5) Require an annual or a biennial service agreement among the state, the provider, and the developmentally disabled individual (as defined in IC 12-7-2-62) that formalizes the commitment of each party to the placement and the implementation of the individualized support plan.

(6) Allow termination or modification of the service agreement upon death, moving out of state, abuse or neglect, or substantial change of the developmentally disabled individual (as defined in IC 12-7-2-62) and an appropriate payment adjustment or penalty for early termination by the state, the provider, and the developmentally disabled individual for any other reason.

(7) Require annual cost reporting to determine the base rates for the funding matrix under subdivision (2). "

Page 2, line 38, delete "(d)" and insert "(b)".

Page 2, line 42, after "is" insert "required to be".

Page 3, after line 12, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2005] (a) Before July 1, 2006, the office of the secretary of family and social services shall adopt rules under IC 4-22-2 to add and amend rules under 405 IAC to govern fiscal audits completed by:

(1) the office of the secretary of family and social services audit staff; and

(2) agencies contracted by the office of the secretary of family and social services to complete fiscal audits.

(b) Before July 1, 2006, the office of the secretary of family and social services shall adopt rules under IC 4-22-2 to add and amend rules under 405 IAC to require that the office of the secretary of family and social services' audit rules for providers of services to of the to a developmentally disabled individual (as defined in IC 12-7-2-62) must meet the following requirements:

(1) All classifications of providers are required to be audited.

(2) The audit process must be written, be formalized, and have specific time schedules.

(3) Not less than fourteen (14) days advanced notice must be given before:

(A) an audit; and

(B) any papers required to be provided during the audit.

(4) The purpose and content of an exit conference must be defined.

(5) The purpose, scope, and schedule for the issuance of audit reports must be defined.

(6) Except for cases of fraud, an audit must be completed not more than two (2) years after:

(A) the end of the grant period; or

(B) the end of the provider's fiscal year; whichever is later.

(7) A formal appeal process that includes:

(A) the issuance of a preliminary finding;

(B) a time for the provider to respond to the preliminary findings and submit additional information for review before final findings are issued; and

(C) appeal procedures with deadlines.

(c) Before July 1, 2006, the division of disability, aging, and rehabilitative services shall adopt rules under IC 4-22-2 that comply with rules adopted under subsections (a) and (b) and that require the following:

(1) Audit and program staff of the division of disability, aging, and rehabilitative services to jointly approve issued service definitions and bulletins that impact potential audit issues.

(2) Development of a comprehensive bureau of developmental disabilities services provider manual for state and waiver funded services that is comparable to the Medicaid provider manual.

(3) All revisions to the manual created under subdivision (2) and rules adopted or amended may be implemented only on the first day of a month.

(4) Develop consistent definition of services and documentation standards regardless of the funding source.

(5) Develop written documentation standards, including acceptable electronic documentation formats.

(6) Implement an automated claims system for all types of bureau of developmental disabilities services.

(7) Provide initial and periodic training of a provider's financial staff by the division of disability, aging, and rehabilitative services concerning accounting, billing, and audit procedures.

(d) This SECTION expires July 1, 2007. "

(Reference is to HB 1519 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1596, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 18.

Page 4, reset in roman lines 35 through 40.

Page 4, line 41, delete "(d)".

Page 4, line 41, strike "This section does not apply to a person enrolled in the".

Page 4, strike line 42.

Delete pages 5 through 10.

Renumber all SECTIONS consecutively.

(Reference is to HB 1596 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1660, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 28, delete "a fixed".

Page 11, line 3, strike "subdivision" and insert "subsection".

Page 12, line 19, delete "if:" and insert "if any of the following apply:".

Page 12, line 20, delete "all" and insert "All".

Page 14, line 8, before "the" insert "Any of".

Page 14, line 31, delete "the" and insert "The".

Page 19, line 24, reset in roman "as many as twenty-five".

Page 19, line 25, reset in roman "percent (25%) of all".

Page 19, line 26, reset in roman "The offices shall".

Page 19, line 27, reset in roman "be selected at random.".

Page 19, line 30, after "subsection." insert "If an office submits a compliance report indicating material noncompliance with this chapter, the securities division may conduct a follow-up examination of the office. A follow-up examination under this subsection must be limited to the areas of noncompliance indicated in the compliance report submitted by the office. The securities division shall conduct a follow-up examination under this subsection not later than twelve (12) months after the securities division notifies the office that the office has taken sufficient corrective actions to address the areas of noncompliance indicated in the compliance report. For purposes of the twenty-five percent (25%) annual limit on the number of Indiana home and branch offices that may be randomly selected for a compliance report under this subsection, the securities division shall treat a follow-up examination of an office under this subsection as an examination of a separate office, with each follow-up examination conducted reducing the number of other offices that may be randomly selected for a compliance examination by one (1)."

Page 19, line 33, after "subsection" insert ", or as a result of a follow-up examination under this subsection,".

Page 19, after line 33, after "examination" insert "or follow-up examination".

Page 20, reset in roman lines 10 through 24.

Page 31, after line 35, begin a new paragraph and insert:

"SECTION 11. IC 27-1-15.6-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 35. (a) As used in this section, "securities commissioner" refers to the commissioner appointed by the secretary of state under IC 23-2-1-15.

(b) The commissioner may conduct investigations, enforce actions, and take other official action that the commissioner considers appropriate to ensure compliance with IC 27-4-1-4(28) concerning the sale of variable annuity contracts. In acting under this section, the commissioner may consult with the securities commissioner and may use the resources of the securities commissioner in making a final determination of any issue concerning compliance with IC 27-4-1-4(28) concerning the sale of variable annuity contracts.

(c) If the securities commissioner is informed of a violation or suspected violation of IC 27-4-1-4(28) concerning the sale of variable annuity contracts or of the insurance laws and rules of the state, the securities commissioner shall timely advise the commissioner of the violation or suspected violation.

SECTION 12. IC 27-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The following are hereby defined as unfair methods of competition and unfair and deceptive acts and practices in the business of insurance:

(1) Making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, or statement:

(A) misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon;

(B) making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies;

(C) making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates;

(D) using any name or title of any policy or class of policies misrepresenting the true nature thereof; or

(E) making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender the policyholder's insurance.

(2) Making, publishing, disseminating, circulating, or placing

before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to any person in the conduct of the person's insurance business, which is untrue, deceptive, or misleading.

(3) Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance.

(4) Entering into any agreement to commit, or individually or by a concerted action committing any act of boycott, coercion, or intimidation resulting or tending to result in unreasonable restraint of, or a monopoly in, the business of insurance.

(5) Filing with any supervisory or other public official, or making, publishing, disseminating, circulating, or delivering to any person, or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive. Making any false entry in any book, report, or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to which such insurer is required by law to report, or which has authority by law to examine into its condition or into any of its affairs, or, with like intent, willfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer.

(6) Issuing or delivering or permitting agents, officers, or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

(7) Making or permitting any of the following:

(A) Unfair discrimination between individuals of the same class and equal expectation of life in the rates or assessments charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract; however, in determining the class, consideration may be given to the nature of the risk, plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(B) Unfair discrimination between individuals of the same class involving essentially the same hazards in the amount of premium, policy fees, assessments, or rates charged or made for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever; however, in determining the class, consideration may be given to the nature of the risk, the plan of insurance, the actual or expected expense of conducting the business, or any other relevant factor.

(C) Excessive or inadequate charges for premiums, policy fees, assessments, or rates, or making or permitting any unfair discrimination between persons of the same class involving essentially the same hazards, in the amount of premiums, policy fees, assessments, or rates charged or made for:

- (i) policies or contracts of reinsurance or joint reinsurance, or abstract and title insurance;
- (ii) policies or contracts of insurance against loss or damage to aircraft, or against liability arising out of the ownership, maintenance, or use of any aircraft, or of vessels or craft, their cargoes, marine builders' risks,

marine protection and indemnity, or other risks commonly insured under marine, as distinguished from inland marine, insurance; or

(iii) policies or contracts of any other kind or kinds of insurance whatsoever.

However, nothing contained in clause (C) shall be construed to apply to any of the kinds of insurance referred to in clauses (A) and (B) nor to reinsurance in relation to such kinds of insurance. Nothing in clause (A), (B), or (C) shall be construed as making or permitting any excessive, inadequate, or unfairly discriminatory charge or rate or any charge or rate determined by the department or commissioner to meet the requirements of any other insurance rate regulatory law of this state.

(8) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract or policy of insurance of any kind or kinds whatsoever, including but not in limitation, life annuities, or agreement as to such contract or policy other than as plainly expressed in such contract or policy issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends, savings, or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract or policy; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, limited liability company, or partnership, or any dividends, savings, or profits accrued thereon, or anything of value whatsoever not specified in the contract. Nothing in this subdivision and subdivision (7) shall be construed as including within the definition of discrimination or rebates any of the following practices:

(A) Paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, so long as any such bonuses or abatement of premiums are fair and equitable to policyholders and for the best interests of the company and its policyholders.

(B) In the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expense.

(C) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first year or of any subsequent year of insurance thereunder, which may be made retroactive only for such policy year.

(D) Paying by an insurer or insurance producer thereof duly licensed as such under the laws of this state of money, commission, or brokerage, or giving or allowing by an insurer or such licensed insurance producer thereof anything of value, for or on account of the solicitation or negotiation of policies or other contracts of any kind or kinds, to a broker, an insurance producer, or a solicitor duly licensed under the laws of this state, but such broker, insurance producer, or solicitor receiving such consideration shall not pay, give, or allow credit for such consideration as received in whole or in part, directly or indirectly, to the insured by way of rebate.

(9) Requiring, as a condition precedent to loaning money upon the security of a mortgage upon real property, that the owner of the property to whom the money is to be loaned negotiate any policy of insurance covering such real property through a particular insurance producer or broker or brokers. However, this subdivision shall not prevent the exercise by any lender of the lender's right to approve or disapprove of the insurance company selected by the borrower to underwrite the insurance.

(10) Entering into any contract, combination in the form of a trust or otherwise, or conspiracy in restraint of commerce in the business of insurance.

(11) Monopolizing or attempting to monopolize or combining or conspiring with any other person or persons to monopolize any part of commerce in the business of insurance. However, participation as a member, director, or officer in the activities of any nonprofit organization of insurance producers or other workers in the insurance business shall not be interpreted, in itself, to constitute a combination in restraint of trade or as combining to create a monopoly as provided in this subdivision and subdivision (10). The enumeration in this chapter of specific unfair methods of competition and unfair or deceptive acts and practices in the business of insurance is not exclusive or restrictive or intended to limit the powers of the commissioner or department or of any court of review under section 8 of this chapter.

(12) Requiring as a condition precedent to the sale of real or personal property under any contract of sale, conditional sales contract, or other similar instrument or upon the security of a chattel mortgage, that the buyer of such property negotiate any policy of insurance covering such property through a particular insurance company, insurance producer, or broker or brokers. However, this subdivision shall not prevent the exercise by any seller of such property or the one making a loan thereon of the right to approve or disapprove of the insurance company selected by the buyer to underwrite the insurance.

(13) Issuing, offering, or participating in a plan to issue or offer, any policy or certificate of insurance of any kind or character as an inducement to the purchase of any property, real, personal, or mixed, or services of any kind, where a charge to the insured is not made for and on account of such policy or certificate of insurance. However, this subdivision shall not apply to any of the following:

(A) Insurance issued to credit unions or members of credit unions in connection with the purchase of shares in such credit unions.

(B) Insurance employed as a means of guaranteeing the performance of goods and designed to benefit the purchasers or users of such goods.

(C) Title insurance.

(D) Insurance written in connection with an indebtedness and intended as a means of repaying such indebtedness in the event of the death or disability of the insured.

(E) Insurance provided by or through motorists service clubs or associations.

(F) Insurance that is provided to the purchaser or holder of an air transportation ticket and that:

(i) insures against death or nonfatal injury that occurs during the flight to which the ticket relates;

(ii) insures against personal injury or property damage that occurs during travel to or from the airport in a common carrier immediately before or after the flight;

(iii) insures against baggage loss during the flight to which the ticket relates; or

(iv) insures against a flight cancellation to which the ticket relates.

(14) Refusing, because of the for-profit status of a hospital or medical facility, to make payments otherwise required to be made under a contract or policy of insurance for charges incurred by an insured in such a for-profit hospital or other for-profit medical facility licensed by the state department of health.

(15) Refusing to insure an individual, refusing to continue to issue insurance to an individual, limiting the amount, extent, or kind of coverage available to an individual, or charging an individual a different rate for the same coverage, solely because of that individual's blindness or partial blindness, except where the refusal, limitation, or rate differential is based on sound actuarial principles or is related to actual or reasonably anticipated experience.

(16) Committing or performing, with such frequency as to indicate a general practice, unfair claim settlement practices (as defined in section 4.5 of this chapter).

(17) Between policy renewal dates, unilaterally canceling an individual's coverage under an individual or group health

insurance policy solely because of the individual's medical or physical condition.

(18) Using a policy form or rider that would permit a cancellation of coverage as described in subdivision (17).

(19) Violating IC 27-1-22-25 or IC 27-1-22-26 concerning motor vehicle insurance rates.

(20) Violating IC 27-8-21-2 concerning advertisements referring to interest rate guarantees.

(21) Violating IC 27-8-24.3 concerning insurance and health plan coverage for victims of abuse.

(22) Violating IC 27-8-26 concerning genetic screening or testing.

(23) Violating IC 27-1-15.6-3(b) concerning licensure of insurance producers.

(24) Violating IC 27-1-38 concerning depository institutions.

(25) Violating IC 27-8-28-17(c) or IC 27-13-10-8(c) concerning the resolution of an appealed grievance decision.

(26) Violating IC 27-8-5-2.5(e) through IC 27-8-5-2.5(j) or IC 27-8-5-19.2.

(27) Violating IC 27-2-21 concerning use of credit information.

(28) An insurance producer, or an insurer in any case in which a producer is not involved, recommending to a senior consumer the purchase of an annuity or the exchange of an annuity that results in another insurance transaction or series of insurance transactions that are unsuitable, as defined by the department in an adopted rule, for the senior consumer on the basis of the facts disclosed by the senior consumer concerning the senior consumer's:

(A) investments and other insurance products; and

(B) financial situation and needs.

A recommendation of an insurance producer or an insurer is not an unfair method of competition or an unfair and deceptive act or practice under this section if the recommendation is made in compliance with the National Association of Securities Dealers Conduct Rules concerning suitability, as determined by the commissioner. As used in this section, "senior consumer" means an individual who is at least sixty-five (65) years of age. In the case of a joint purchase by more than one (1) party, the purchaser is considered a senior consumer if any of the parties is at least sixty-five (65) years of age."

(Reference is to HB 1660 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1692, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 17, after "firearm" insert ":

(1)"

Page 3, line 17, after "of" insert "**IC 20-8.1-5.1-10 or**".

Page 3, line 18, delete "IC 35-47-9." and insert "**IC 35-47-9;**

(2) on the property of:

(A) a child caring institution;

(B) an emergency shelter care child caring institution;

(C) a private secure facility;

(D) a group home; or

(E) an emergency shelter care group home;

in violation of 470 IAC 3-11-80, 470 IAC 3-12-79, 470 IAC 3-13-80, 470 IAC 3-14-78, or 470 IAC 3-15-77;

(3) on the property of a penal facility (as defined in IC 35-41-1-21); or

(4) in violation of federal law."

Page 3, after line 29, begin a new paragraph and insert:

"Sec. 5. A person is not liable for any injury or damage resulting from the person's compliance with section 2 of this chapter."

(Reference is to HB 1692 as introduced.)
and when so amended that said bill do pass.
Committee Vote: yeas 6, nays 1.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1743, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-13-14.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. One (1) time every ~~six (6)~~ **three (3)** months, the division shall submit a report to the budget committee and to the ~~general assembly~~ **legislative council** that provides data and statistical information regarding caseloads for each county for child protection caseworkers, child welfare caseworkers and other caseworkers under the jurisdiction of the division of family and children, department of family and social services during the preceding ~~six (6)~~ **three (3)** months. A report submitted under this section to the general assembly must be in an electronic format under IC 5-14-6."

Page 1, line 3, after "(a)" insert "**This section applies after June 30, 2008.**"

(b)".

Page 1, line 16, delete "(b)" and insert "(c)".

Page 1, line 17, delete "(a)" and insert "(b)".

Page 2, line 2, after "2." insert "(a)".

Page 2, line 4, delete "at all times".

Page 2, line 4, delete ":".

Page 2, line 5, delete "(A)".

Page 2, line 5, delete "and".

Page 2, run in lines 4 through 5.

Page 2, delete lines 6 through 9.

Page 2, after line 24, begin a new paragraph and insert:

"(b) **This section expires June 30, 2008.**

SECTION 4. IC 31-33-2-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. (a) **This section applies after June 30, 2008.**

(b) **The local child protection service:**

(1) **must have sufficient qualified and trained staff to:**

(A) **fulfill the purpose of this article; and**

(B) **comply with the maximum caseload ratios for:**

(i) **child protection caseworkers; and**

(ii) **child welfare caseworkers;**

set forth in IC 12-13-14.5-3.5;

(2) **must be organized to maximize the continuity of responsibility, care, and service of individual caseworkers toward individual children and families;**

(3) **must provide training to representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and**

(4) **must provide training to representatives of the child protective services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an investigation of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article I, Section 11 of the Constitution of the State of Indiana.**

SECTION 5. [EFFECTIVE JULY 1, 2005] (a) **The division of family and children shall submit a report to the legislative council and the health finance commission established by IC 2-5-23-3 that contains statistics concerning the education levels and salaries of all:**

(1) **child protection caseworkers and child welfare**

caseworkers; and

(2) **child protection caseworker and child welfare caseworker supervisors;**

by September 1, 2005.

(b) **The report required by subsection (a) must be in an electronic format under IC 5-14-6.**

(c) **This SECTION expires December 31, 2005."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1743 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

BUDAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1763, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 32-28-12.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 12.5. Commercial Real Estate Broker Liens

Sec. 1. This chapter may be cited as the "Commercial Real Estate Broker Lien Act".

Sec. 2. As used in this chapter, "commercial real estate" means any real estate other than:

(1) **real estate containing one (1) to four (4) residential units;**

(2) **real estate on which no buildings or structures are located and that is zoned for single family residential use; or**

(3) **single family residential units such as:**

(A) **condominiums;**

(B) **townhouses; or**

(C) **homes in a subdivision when sold, leased, or otherwise conveyed on a unit-by-unit basis, even if those units are part of a larger building or parcel or real estate containing more than four (4) residential units.**

Sec. 3. As used in this chapter, "fees or commissions" means compensation owed to a principal broker for performing services requiring a license under IC 25-34.1-3-2.

Sec. 4. As used in this chapter, "principal broker" has the meaning set forth in IC 25-34.1-1-2.

Sec. 5. As used in this chapter, "real estate" has the meaning set forth in IC 25-34.1-1-2.

Sec. 6. A principal broker may have a lien upon commercial real estate, or any interest in commercial real estate, that is the subject of a purchase, lease, or other conveyance to a buyer or tenant, in the amount that the principal broker is due for licensed services, including without limitation brokerage fees, consulting fees, and management fees due the principal broker under a written agreement, a contract, or another written instrument:

(1) **signed by:**

(A) **the owner of an interest in the commercial real estate or by the owner's authorized agent; or**

(B) **a prospective buyer or prospective tenant, or by the buyer's or tenant's authorized agent; and**

(2) **entered into after June 30, 2005.**

A lien under this chapter is available to the principal broker named in the agreement, contract, or other written instrument signed by the owner, buyer, or tenant, or their respective agents, and not to an employee or independent contractor of the principal broker.

Sec. 7. (a) A lien under this chapter attaches to commercial real estate or an interest in commercial real estate upon:

(1) **the principal broker being entitled to fees or commissions under a written agreement, a contract, or another instrument signed by the owner, buyer, or tenant of the commercial real estate, or by an authorized agent of the owner, buyer, or tenant; and**

(2) **except as provided in sections 8 and 9 of this chapter, the**

principal broker recording a notice of lien in the office of the recorder of the county in which the commercial real estate or an interest in the commercial real estate is located:

(A) before the recording of the deed for the actual conveyance or transfer of the commercial real estate against which the broker is claiming a lien, if the principal broker claims fees or commissions from the party conveying or transferring an interest in the commercial real estate; or

(B) not later than ninety (90) days after the recording of the deed or other instrument for the purchase or other conveyance or transfer of the commercial real estate, if the principal broker claims fees or commissions from the party receiving a conveyance or transfer of an interest in the commercial real estate.

(b) A lien under this chapter attaches as of the date of the recording of the notice of the lien under subsection (a)(2) and does not relate back to the date of the written agreement, contract, or other written instrument described in subsection (a)(1).

Sec. 8. (a) This section applies to a transaction involving the conveyance or transfer of commercial real estate in which:

- (1) payment to a principal broker is due in installments; and
- (2) a part of the installment payments is due only after the conveyance or transfer of the commercial real estate involved in the transaction.

(b) Subject to subsection (c), the principal broker may record a notice of lien for those payments described in subsection (a)(2) at any time after the transfer or conveyance, but not later than ninety (90) days after the date on which the payment is due. A notice of lien under this section is effective as a lien against the transferor's interest in the commercial real estate only to the extent consideration is still owed to the transferor by the transferee. However, the lien is effective against the transferee's interest in the commercial real estate without the limitation described in this subsection.

(c) A single claim for a lien recorded:

- (1) before the transfer or conveyance of the commercial real estate; and
- (2) with respect to all payments due in installments;

is valid and enforceable with respect to payments due after the transfer or conveyance. However, as payments or partial payments of fees or commissions are received by the principal broker, the principal broker shall, by providing partial releases with respect to those payments, reduce the amount due the principal broker under the notice of lien described in this subsection.

Sec. 9. (a) Subject to subsection (b), in the case of a lease of commercial real estate, including a sublease or an assignment of a lease, the notice of a lien under this chapter must be recorded not later than ninety (90) days after the tenant takes possession of the leased premises. However, if:

- (1) the transferor personally serves, on the principal broker entitled to claim a lien, written notice of the intended execution of the lease; and
- (2) the notice described in subdivision (1) is served not later than ten (10) days before the date of the intended execution of the lease;

the principal broker's notice of lien must be recorded before the date indicated in the notice described in subdivision (1) for the execution of the lease. The lien attaches as of the recording of the notice of lien and does not relate back to the date of the written agreement, contract, or written instrument under which the principal broker is entitled to fees or commissions.

(b) As used in this subsection, "future fees or commissions" refers to fees or commissions:

- (1) other than those fees or commissions due to a principal broker upon the execution of a lease under subsection (a); and
- (2) due to the principal broker upon the exercise of an option to:
 - (A) expand the leased premises;
 - (B) renew or extend a lease; or
 - (C) purchase the commercial real estate;

under a written agreement, a contract, or another written instrument signed by the owner or tenant of the commercial real estate. The principal broker may record a notice of lien at any time after execution of the lease or other written agreement, contract, or written instrument that contains rights to future fees or commissions, but in no case later than ninety (90) days after the occurrence of a condition for which future fees or commissions are claimed. Except as provided in section 13(b) of this chapter, an action to foreclose a lien to collect future fees or commissions must be commenced not later than two (2) years after the recording of the notice of the lien.

(c) If:

- (1) commercial real estate is sold or otherwise conveyed before the date on which future fees or commissions are due; and
- (2) the principal broker has recorded a valid notice of lien before the sale or other conveyance of the commercial real estate;

the purchaser or transferee is considered to have notice of and takes title to the commercial real estate subject to the notice of lien. However, if a principal broker claiming future fees or commissions fails to record a notice of lien for the future fees or commissions before the recording of a deed conveying legal title to the commercial real estate to the purchaser or transferee, the principal broker may not claim a lien on the commercial real estate. This subsection does not limit or otherwise affect claims or defenses a principal broker or owner or any other party may have in law or equity.

Sec. 10. A principal broker shall, not later than ten (10) days after recording a notice of lien under this chapter, personally serve or mail, by registered or certified mail, a copy of the notice of lien to the owner of record of the commercial real estate, or to the agent of the owner of record, at the address of the owner stated in the written agreement, contract, or other written instrument on which the claim for the lien is based. If the address of the owner or the owner's agent is not stated, the principal broker shall personally serve or mail, by registered or certified mail, a copy of the notice of the lien to the address where real estate taxes are sent for the commercial real estate on which the claim of lien is based. Mailing of the copy of the notice of lien is effective when deposited in the United States mail with postage prepaid. Personal service of the notice of the lien is effective upon receipt by the owner or the agent of the owner of record. A principal broker's lien is unenforceable if mailing or service of the copy of notice of lien does not occur at the time and in the manner required by this section.

Sec. 11. (a) A principal broker may bring suit to enforce a lien under this chapter in the circuit or superior court in the county where the commercial real estate is located by filing a complaint and sworn affidavit that a notice of lien has been recorded as required by this chapter. The principal broker claiming the lien shall, not later than two (2) years after recording the notice of the lien, commence proceedings under this section by filing a complaint. A principal broker's failure to commence proceedings within the time prescribed by this subsection extinguishes the lien and a subsequent notice of lien may not be given for the same claim, nor may that claim be asserted in any other proceedings under this chapter.

(b) A principal broker claiming a lien based upon an option or other right to purchase or lease commercial real estate shall, not later than two (2) years after recording the notice of the lien, commence proceedings by filing a complaint. A principal broker's failure to commence proceedings within the time prescribed by this subsection extinguishes the lien and a subsequent notice of lien may not be given for the same claim, nor may that claim be asserted in any other proceedings under this chapter.

(c) A complaint under this section must contain:

- (1) a brief statement of the agreement, contract, or other written instrument that is the basis for the lien;
- (2) the date when the agreement, contract, or other written instrument was made;
- (3) a description of the services performed by the principal broker;
- (4) the amount due and unpaid for the services described in

subdivision (3);

(5) a description of the commercial real estate subject to the notice of lien; and

(6) other facts reasonably necessary to describe the rights of the parties.

(d) The principal broker shall make all interested parties, of whose interest the principal broker is notified or has knowledge, defendants to the action and shall issue summons and provide service as in other civil actions. If a defendant:

(1) has left Indiana;

(2) on inquiry cannot be found; or

(3) is concealed within Indiana;

so that process cannot be served on the defendant, the principal broker shall cause a notice to be given to the defendant, or cause a copy of the complaint to be served upon the defendant, in the manner and upon the same conditions as in other civil actions. Failure of the principal broker to provide proper summons or notice is grounds for judgment against the principal broker, with prejudice, and in favor of the defendant who is not properly served with proper summons or notice. All liens claimed under this chapter shall be foreclosed as provided for in IC 32-30-10.

Sec. 12. A notice of lien recorded under this chapter must state:

(1) the name of the claimant;

(2) the name of the owner of the commercial real estate upon which the lien is claimed;

(3) a legal description of the commercial real estate upon which the lien is claimed;

(4) the amount for which the lien is claimed; and

(5) the license number of the principal broker's license under IC 25-34.1.

The notice of lien must contain a statement that the information contained in the notice is true and accurate to the knowledge of the signator. The notice of lien must be signed by the principal broker or by a person authorized to sign on behalf of the principal broker and must be verified.

Sec. 13. (a) If:

(1) a notice of lien has been recorded with the office of the recorder of the appropriate county; and

(2) a condition occurs that would preclude the principal broker from receiving fees or commissions under the terms of the written agreement, contract, or other written instrument upon which the lien is based;

the principal broker shall provide to the owner of record of the commercial real estate, not later than ten (10) days after written demand by the owner of record, a written release or satisfaction of the notice of lien.

(b) Upon written demand:

(1) served by the owner, buyer, or tenant described in section 6 of this chapter, or the authorized agent of the owner, buyer, or tenant described in section 6 of this chapter, on the principal broker claiming a lien under this chapter; and

(2) requiring the principal broker to:

(A) bring a suit to enforce the lien; or

(B) file an answer in a pending suit;

the principal broker shall bring a suit or file an answer not later than thirty (30) days after service of the demand. If the principal broker does not bring a suit or file an answer within the time prescribed by this subsection, the lien is extinguished. The service of a written demand under this subsection may be made by registered or certified mail, return receipt requested, or by personal service.

(c) If:

(1) a notice of lien under this chapter has been filed with the office of the recorder and the fees or commissions upon which the lien is based have been paid to the principal broker claiming the lien; or

(2) the principal broker fails to institute a suit to enforce the lien within the time prescribed by this chapter;

the principal broker shall, not later than five (5) days after receipt of a written demand from the owner, buyer, or tenant described in section 6 of this chapter for a release or an acknowledgment of satisfaction of the lien, acknowledge

satisfaction or release of the lien in writing.

Sec. 14. If the principal broker and the party from whom fees or commissions are claimed under this chapter agree to alternative dispute resolution, any claim under this chapter must be heard and resolved in the forum agreed to by the parties. The court before which a lien foreclosure proceeding is brought under this chapter retains jurisdiction to enter judgment on the award or other result made or reached under alternative dispute resolution proceedings with respect to all parties to the foreclosure. The principal broker's notice of lien remains of record and the foreclosure proceeding shall be stayed during the pendency of the alternative dispute resolution proceedings.

Sec. 15. The cost of proceedings brought under this chapter, including reasonable attorney's fees, costs, and prejudgment interest due to the prevailing party shall be borne by the nonprevailing party. If more than one (1) party is responsible for costs, fees, and prejudgment interest, the costs, fees, and prejudgment interest shall be equitably apportioned by the court or alternative dispute resolution tribunal among the responsible parties.

Sec. 16. Except for a waiver or release of a lien provided in consideration of payment of the fees or commissions claimed by a principal broker under this chapter, or except as otherwise provided in section 13 of this chapter, any waiver of a principal broker's right to a lien on commercial property under this chapter is void.

Sec. 17. Valid recorded liens, mortgages, and other encumbrances that are recorded before a principal broker's notice of lien under this chapter have priority over a principal broker's lien under this chapter. Prior recorded liens, mortgages, and encumbrances that have priority under this section include without limitation:

(1) a valid mechanic's lien that is recorded after a principal broker's notice of lien under this chapter, but that relates back to a date before the recording date of the principal broker's notice of lien; and

(2) prior recorded liens securing revolving credit and future advances of construction loans.

Sec. 18. If:

(1) a claim for a lien under this chapter has been filed with the office of the recorder of the county in which commercial real estate or any interest in commercial real estate is located; and

(2) an escrow account is established among:

(A) the one (1) or more parties allegedly responsible for payment of the fees or commissions on which the lien is based;

(B) the principal broker that filed the lien; and

(C) an independent third party as escrowee;

from the proceeds of the conveyance, or from any other source of funds, in an amount that is at least one hundred ten percent (110%) of the amount of the lien claimed under this chapter;

the lien against the real estate is extinguished and becomes a lien on the funds contained in the escrow account. The establishment of an escrow account described in this section does not constitute cause for any party to refuse to close the transaction.

(Reference is to HB 1763 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1847, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 14-22-42 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 42. Regulation of Cervid Herds on Private Property

Sec. 1. The general assembly finds that certain privately owned real property is unique and needs special consideration because of all of the following conditions:

(1) The private property owner desires to provide a unique habitat that is reasonably expected to provide habitat for wild turkeys, deer, ducks, blue herons, hawks, and other native animal life.

(2) The private property is reasonably expected to preserve in periods of normal rainfall at least five (5) acres of wetland and at least five (5) acres of ponds.

(3) The private property is reasonably expected to preserve shrubs, fruit trees, hardwood trees, bottomland trees and shrubs, evergreen trees, medium diversity prairie with wildflowers, high diversity prairie with wildflowers, short grass prairie, wooded wet seed mix, wet prairie with wildflowers, and other native plant life.

(4) The private property owner does not allow hunting of native animal life for a fee.

(5) The private property is owned by one (1) person and has a fence enclosing more than six hundred forty (640) acres.

Sec. 2. (a) Except as provided in IC 14-22-1 through IC 14-22-40, 345 IAC 2-7-3 concerning cervid herd registration:

(1) does not apply to; and

(2) may not be enforced on;

real property described in section 1 of this chapter.

(b) The Indiana state board of animal health may not adopt or enforce a rule to require cervid herd registration on property described in section 1 of this chapter.

(Reference is to HB 1847 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 5.

WOLKINS, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1034

Representative Torr called down House Bill 1034 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1034-5)

Mr. Speaker: I move that House Bill 1034 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning time.

Page 1, delete lines 1 through 2, begin a new paragraph and insert: "SECTION 1. IC 1-1-8.1-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. The state of Indiana supports the county executive of any Indiana county that seeks to change the time zone in which the county is located under the procedures established by federal law.**

SECTION 2. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 1-1-8.1-1; IC 1-1-8.1-2."

Renumber all SECTIONS consecutively.

(Reference is to HB 1034 as printed February 18, 2005.)

GRUBB

Upon request of Representatives Grubb and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 178: yeas 43, nays 54. Motion failed.

HOUSE MOTION (Amendment 1034-6)

Mr. Speaker: I move that House Bill 1034 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning

time.

Page 1, delete lines 1 through 2, begin a new paragraph and insert: "SECTION 1. IC 1-1-8.1-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. (a) Subsection (b) does not apply if all of Indiana except the following counties is located in the Central Time Zone:**

(1) Clark County.

(2) Dearborn County.

(3) Floyd County.

(4) Harrison County.

(5) Ohio County.

(6) Any other Indiana county that relocates to the Eastern Time Zone under procedures provided by federal law.

(b) As permitted by 15 U.S.C. 260a, only that part of Indiana located in the Eastern Time Zone is exempt from observing daylight saving time as provided in 15 U.S.C., Chapter 6, Subchapter IX.

SECTION 2. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 1-1-8.1-1; IC 1-1-8.1-2."

Renumber all SECTIONS consecutively.

(Reference is to HB 1034 as printed February 18, 2005.)

GRUBB

Upon request of Representatives Grubb and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 179: yeas 44, nays 53. Motion failed.

HOUSE MOTION (Amendment 1034-4)

Mr. Speaker: I move that House Bill 1034 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning time.

Page 1, delete lines 1 through 2, begin a new paragraph and insert: "SECTION 1. [EFFECTIVE JULY 1, 2005] **(a) The county election board of each county shall place the following public question on the ballot at the November 2006 general election:**

"Should Indiana observe daylight saving time only if all the state is located in the central time zone except Clark, Dearborn, Floyd, Harrison, Ohio, and any other county that wishes to be located in the eastern time zone under procedures provided by federal law?"

(b) The public question described in this SECTION must be placed on the ballot in accordance with IC 3-11-2. A statement shall be placed above the public question explaining that the results of the vote are not binding on the general assembly under the Constitution of the State of Indiana. The Indiana election commission shall prescribe the form of this statement.

(c) Each county election board shall tabulate the votes cast on the public question described in this SECTION and certify the results under IC 3-12-4-9.

(d) Except as provided in this SECTION, IC 3 applies to the public question required by this SECTION.

(e) This SECTION expires July 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to HB 1034 as printed February 18, 2005.)

GRUBB

Upon request of Representatives Grubb and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 180: yeas 44, nays 53. Motion failed.

HOUSE MOTION (Amendment 1034-1)

Mr. Speaker: I move that House Bill 1034 be amended to read as follows:

Page 1, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] **The Indiana general assembly urges Governor Daniels to petition the United States Department of Transportation to initiate proceedings under the Uniform Time Act of 1966 to hold hearings in the appropriate locations in Indiana on the question of whether all of Indiana should be located in the Central Time Zone, except Clark, Dearborn, Floyd, Harrison, and Ohio Counties in**

southeastern Indiana, which should remain in the Eastern Time Zone, for the following reasons:

- (1) The Uniform Time Act of 1966 places Indiana in the Eastern Time Zone.
- (2) In 1969, ten (10) counties from areas of Indiana near Chicago and Evansville were moved to the Central Time Zone.
- (3) Five (5) Indiana counties near Cincinnati, Ohio, and Louisville, Kentucky, although in the Eastern Time Zone with the remaining seventy-seven (77) Indiana counties, observe Eastern Daylight Saving Time.
- (4) Indiana is a state with three (3) different time arrangements:
 - (A) seventy-seven (77) counties in the Eastern Time Zone remaining on standard time all year long;
 - (B) ten (10) counties near Chicago and Evansville in the Central Time Zone using Central Standard and Central Daylight Saving time; and
 - (C) five (5) counties near Cincinnati and Louisville in the Eastern Time Zone using both Eastern Standard Time and Eastern Daylight Saving Time.
- (5) Requests for changes in the designated time zones must be made by a local unit of government or a state government to the Secretary of the United States Department of Transportation.
- (6) The Secretary of the United States Department of Transportation may make changes in time zone boundaries, subject to and based on information presented at public hearings in the communities affected, at the request of the highest political authority of the state.
- (7) The Indiana counties currently in the Central Time Zone using Daylight Saving Time, which is defined as "the advancement [moving ahead] of one hour between the first Sunday in April to the last Sunday in October of each year", enjoy several advantages compared with the other Indiana counties, including:
 - (A) more daylight, requiring less electricity for households, parks, schools, businesses, and government;
 - (B) increased visibility, resulting in fewer highway and pedestrian accidents and fatalities; and
 - (C) a decrease in violent crimes.
- (8) The time that should be observed in Indiana has been a continuing issue of controversy.
- (9) A change of the time zone boundary would unify Hoosiers and help bring an end to the confusion that occurs twice a year when all states except Arizona, Hawaii, and parts of Indiana change time.
- (10) A change of the time zone boundary would help Indiana create jobs, enhance Indiana's role in technology development, and increase Indiana's commerce capabilities."

Renumber all SECTIONS consecutively.

(Reference is to HB 1034 as printed February 18, 2005.)

CROOKS

Upon request of Representatives Crooks and Grubb, the Speaker ordered the roll of the House to be called. Roll Call 181: yeas 46, nays 48. Motion failed.

HOUSE MOTION (Amendment 1034-8)

Mr. Speaker: I move that House Bill 1034 be amended to read as follows:

Page 1, between lines 2 and 3, begin a new paragraph and insert: "SECTION 2. [EFFECTIVE UPON PASSAGE] The Indiana general assembly urges Governor Daniels to petition the United States Department of Transportation to initiate proceedings under the Uniform Time Act of 1966 to hold hearings in the appropriate locations in Indiana on the issue of the time zone or time zones in which Indiana's ninety-two (92) counties should be located."

Renumber all SECTIONS consecutively.

(Reference is to HB 1034 as printed February 18, 2005.)

CROOKS

Upon request of Representatives Crooks and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 182: yeas 47, nays 51. Motion failed.

HOUSE MOTION (Amendment 1034-3)

Mr. Speaker: I move that House Bill 1034 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-15-3-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.5. Where appropriate, the department shall erect and maintain signage indicating a change in the time zone line in each direction on a tollway.**

SECTION 2. IC 8-23-4-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. Where appropriate, the department shall erect and maintain signage indicating a change in the time zone line in each direction on:**

- (1) a highway located within the state highway system as set forth in section 2(a) of this chapter; and
- (2) the interstate highway system."

Renumber all SECTIONS consecutively.

(Reference is to HB 1034 as printed February 18, 2005.)

VAN HAAFTEN

Upon request of Representatives VanHaaften and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 183: yeas 50, nays 47. Motion prevailed. The bill was ordered engrossed.

House Bill 1258

Representative Summers called down House Bill 1258 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1383

Representative Wolkins called down House Bill 1383 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1383-2)

Mr. Speaker: I move that House Bill 1383 be amended to read as follows:

Page 1, line 16, delete "a" and insert "**the air pollution control board or solid waste management**".

(Reference is to HB 1383 as printed February 18, 2005.)

MAHERN

Motion prevailed. The bill was ordered engrossed.

House Bill 1478

Representative T. Adams called down House Bill 1478 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1478-1)

Mr. Speaker: I move that House Bill 1478 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-174.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 174.5. "Storage yard" for purposes of IC 9-22-1, has the meaning set forth in IC 9-22-1-3.5.**

SECTION 2. IC 9-22-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. As used in this chapter, "storage yard" means a storage facility or a towing service used for the removal and storage of abandoned vehicles or parts.**

Page 1, line 9, strike "an automobile" and insert "**a towing service**".

Page 1, line 10, strike "scrapyard."

Page 1, line 11, after "bureau." insert "**The towing service may**

dispose of the abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle."

Page 2, line 14, strike "area." and insert **"yard or towing service."**

Page 2, between lines 14 and 15, begin a new paragraph and insert: **"SECTION 5. IC 9-22-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** Sec. 16. (a) If after seventy-two (72) hours the person who owns a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, has not removed the vehicle from the private property, the person who owns or controls the private property may have the vehicle towed from the private property. The towing operator shall do the following:

(1) Contact the bureau to obtain the name and address of the person who owns the vehicle.

(2) ~~Deliver~~ **Send**, by certified mail, a copy of the information contained in the notice required under section 15 of this chapter to the person who owns the vehicle. The notice required by this subdivision must be ~~given mailed to the person who owns the vehicle according to the records of the bureau~~ not later than five (5) business days after ~~the vehicle is removed~~ **receipt of the information in subdivision (1) from the bureau.**

(b) Notwithstanding subsection (a), in an emergency situation a vehicle may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

SECTION 6. IC 9-22-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage ~~area~~ **yard or towing service** under section 13, 14, or 16 of this chapter, the public agency or towing operator shall prepare and forward to the bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

- (1) The make.
- (2) The model.
- (3) The identification number.
- (4) The number of the license plate.

(b) The public agency or towing operator shall request that the bureau advise the public agency or towing operator of the name and most recent address of the person who owns or holds a lien on the vehicle.

(c) Notwithstanding section 4 of this chapter, if the public agency or towing operator fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing operator:

- (1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and
- (2) may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

SECTION 7. IC 9-22-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. The following are not liable for loss or damage to a vehicle or parts occurring during the removal, storage, or disposition of a vehicle or parts under this chapter:

- (1) A person who owns, leases, or occupies property from which an abandoned vehicle or parts are removed.
- (2) A public agency.
- (3) A towing service.
- (4) An automobile scrapyard.
- (5) A storage yard."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1478 as printed February 18, 2005.)

T. ADAMS

Motion prevailed. The bill was ordered engrossed.

House Bill 1538

Representative J. Smith called down House Bill 1538 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1538-1)

Mr. Speaker: I move that House Bill 1538 be amended to read as follows:

Page 4, between lines 27 and 28, begin a new paragraph and insert:

"(h) An individual who:

(1) is an employee of:

(A) a fire department (as defined in IC 36-8-1-8);

(B) an emergency medical services provider (as defined in IC 16-41-10-1); or

(C) a police department (as defined in IC 36-8-1-9);

(2) has service as a volunteer; and

(3) is diagnosed with a health condition caused by an exposure risk disease;

must document to the individual's employer all known or reasonably suspected exposures the individual has had to the exposure risk disease that resulted in the individual's diagnosis."

Page 4, line 28, strike "(h)" and insert "(i)".

Page 6, line 4, delete "capacity." and insert **"capacity, except for an individual's service as a volunteer."**

Page 6, between lines 18 and 19, begin a new paragraph and insert:

"Sec. 7. As used in this chapter, "service as a volunteer" means service by an individual in any of the following capacities on behalf of the state or a political subdivision of the state:

(1) A volunteer firefighter (as defined in IC 36-8-12-2).

(2) An emergency medical technician (as defined in IC 16-18-2-112) in a volunteer capacity.

(3) A first responder (as defined in IC 16-18-2-131) in a volunteer capacity."

Page 6, line 19, delete "Sec. 7." and insert **"Sec. 8."**

Page 6, line 25, delete "Sec. 8." and insert **"Sec. 9."**

Page 6, line 36, delete "evidence." and insert **"evidence, including evidence that an exposure related cancer or an exposure related heart or lung disease was contracted during the employee's service as a volunteer."**

Page 6, between lines 36 and 37, begin a new paragraph and insert:

"(c) An employee who has service as a volunteer and is diagnosed with an exposure related cancer or an exposure related heart or lung disease must document to the employee's employer all known or reasonably suspected exposures the employee has had to:

(1) the known carcinogen; or

(2) the substance or condition that adversely affects an individual's cardiovascular or respiratory system; that resulted in the employee's diagnosis."

Page 6, line 37, delete "(c)" and insert **"(d)"**.

Page 6, line 40, delete "Sec. 9." and insert **"Sec. 10."**

(Reference is to HB 1538 as printed February 18, 2005.)

RUPPEL

Motion prevailed. The bill was ordered engrossed.

House Bill 1587

Representative Pelath called down House Bill 1587 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1757

Representative Whetstone called down House Bill 1757 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1757-1)

Mr. Speaker: I move that House Bill 1757 be amended to read as follows:

Page 1, line 3, after "13." insert **"(a) This section applies only to food service or ventilation equipment or materials."**

Page 1, line 3, delete "(a)", begin a new paragraph and insert:

"(b)".

Page 1, line 6, delete "(b)" and insert **"(c)"**.

Page 2, line 9, delete "(c)" and insert "(d)".
 Page 2, line 11, delete "(a);" and insert "(b);".
 Page 2, line 14, delete "(b);" and insert "(c);".
 Page 2, line 16, delete "(d)" and insert "(e)".
 Page 2, line 19, delete "(e)" and insert "(f)".
 Page 2, line 21, delete "(f)" and insert "(g)".
 Page 2, line 26, delete "(g)" and insert "(h)".
 Page 2, line 32, after "9." insert "(a) This section applies only to food service or ventilation equipment or materials."

Page 2, line 32, delete "(a)", begin a new paragraph and insert: "(b)".

Page 2, line 35, delete "(b)" and insert "(c)".
 Page 3, line 13, delete "(c)" and insert "(d)".
 Page 3, line 15, delete "(a);" and insert "(b);".
 Page 3, line 18, delete "(b);" and insert "(c);".
 Page 3, line 20, delete "(d)" and insert "(e)".
 Page 3, line 23, delete "(e)" and insert "(f)".
 Page 3, line 25, delete "(f)" and insert "(g)".
 Page 3, line 30, delete "(g)" and insert "(h)".
 Page 3, line 36, after "4.3." insert "(a) This section applies only to food service or ventilation equipment or materials."

Page 3, line 36, delete "(a)", begin a new paragraph and insert: "(b)".

Page 3, line 39, delete "(b)" and insert "(c)".
 Page 4, line 17, delete "(c)" and insert "(d)".
 Page 4, line 19, delete "(a);" and insert "(b);".
 Page 4, line 22, delete "(b);" and insert "(c);".
 Page 4, line 24, delete "(d)" and insert "(e)".
 Page 4, line 27, delete "(e)" and insert "(f)".
 Page 4, line 29, delete "(f)" and insert "(g)".
 Page 4, line 34, delete "(g)" and insert "(h)".
 (Reference is to HB 1757 as printed February 18, 2005.)

WHETSTONE

Motion failed. The bill was ordered engrossed.

House Bill 1777

Representative Foley called down House Bill 1777 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1777-2)

Mr. Speaker: I move that House Bill 1777 be amended to read as follows:

Page 2, between lines 11 and 12, begin a new paragraph and insert: "SECTION 2. IC 33-34-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ County Small Claims Court _____ Division (with the name of the county and township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate. All township docket fees and late fees received by the court shall be paid to the township trustee at the close of each month.

(b) The court shall:

(1) semiannually distribute to the auditor of state:

(A) all automated record keeping fees received by the court;
 and

(B) seventy-five percent (75%) of judicial salaries fees collected by the court under IC 33-37-5-26;

for deposit in the state user fee fund established under IC 33-37-9; and

(2) distribute monthly to the county auditor all document storage fees received by the court. The county auditor shall deposit fees distributed under this subdivision into the clerk's record perpetuation fund under IC 33-37-5-2."

Page 8, between lines 11 and 12, begin a new line block indented and insert:

" (4) A small claims action."

Page 8, line 12, delete "IC 33-37-1-1 or" and insert "IC 33-37-1-1,".

Page 8, line 13, delete "IC 33-34,".

Page 8, line 13, delete "nineteen" and insert "twenty-two".

Page 8, line 14, delete "(\$19)." and insert "(\$22)".

Page 8, line 15, after "(b)" insert "In each small claims action filed in a court described in IC 33-37-1-1 or IC 33-34, the clerk shall collect a judicial salaries fee of fifteen (\$15) dollars. (c)".

Page 8, line 20, delete "nineteen" and insert "twenty-two".

Page 8, line 21, delete "(\$19)." and insert "(\$22)".

Page 12, line 23, delete "one hundred" and insert "seventy-five".

Page 12, line 23, delete "(100%)" and insert "(75%)".

Page 12, between lines 24 and 25, begin a new paragraph and insert:

"(j) The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26 as the city or town share."

Renumber all SECTIONS consecutively.

(Reference is to HB 1777 as printed February 15, 2005.)

FOLEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1825

Representative Austin called down House Bill 1825 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1825-1)

Mr. Speaker: I move that House Bill 1825 be amended to read as follows:

Page 10, line 10, delete "minor" and insert "child less than eighteen (18) years of age".

Page 10, line 11, delete "a minor" and insert "the child".

(Reference is to HB 1825 as printed February 18, 2005.)

AUSTIN

Motion prevailed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 16 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1008, Roll Call 174, on February 22, 2005. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

WELCH

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 174 to 97 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Tincher's second reading amendment to House Bill 1188, Roll Call 147, on February 21, 2005. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the nay button when I intended to vote yea."

BISCHOFF

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 147 to 47 yeas, 51 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1566.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as author of House Bill 1847.

THOMPSON

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Borrer, the House adjourned at 5:35 p.m., this twenty-second day of February, 2005, until Thursday, February 24, 2005, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives